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**Human Rights Council**
**Twenty- fifth session**
Agenda item 2
**Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General**

**Mauritius,* Montenegro, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution**

## 25/... Promoting reconciliation, accountability and human rights in Sri Lanka

*The Human Rights Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations,

*Guided* by the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

*Bearing in mind* General Assembly resolution 60/251 of 15 March 2006,

*Recalling* Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders, of 18 June 2007,

*Recalling also* Human Rights Council resolutions 19/2 of 22 March 2012 and 22/1 of 21 March 2013 on promoting reconciliation and accountability in Sri Lanka,

*Reaffirming* that it is the responsibility of each State to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population,

*Reaffirming also* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law, as applicable,

*Expressing its support* for all Sri Lankans to enjoy their rights, regardless of creed, faith or ethnicity, in a peaceful and unified land,

* Non-Member State of the Human Rights Council.

*Welcoming and acknowledging* the progress made by the Government of Sri Lanka in rebuilding infrastructure, demining and resettling the majority of internally displaced persons, while noting nonetheless that considerable work lies ahead in the areas of justice, reconciliation, demilitarization and the resumption of livelihoods, and stressing the importance of the full participation of local populations, including representatives of civil society and minorities, in these efforts,

*Welcoming* the successful Provincial Council elections held on 21 September 2013, and, in particular, the high turnout and participation in all three provinces, while noting with concern reports of election-related violence, as well as of voter and candidate intimidation,

*Expressing appreciation* for the efforts of the Government of Sri Lanka in facilitating the visit of the United Nations High Commissioner for Human Rights, and welcoming the visit of the High Commissioner to Sri Lanka in August 2013,

*Expressing deep concern* at reported intimidation and retaliation against civil society members, including those who met with the High Commissioner during her visit,

*Expressing serious concern* at the continuing reports of violations of human rights in Sri Lanka, including sexual and gender-based violence, enforced disappearances, extrajudicial killings, torture and violations of the rights to freedom of expression, association and peaceful assembly, as well as intimidation of and reprisals against human rights defenders, members of civil society and journalists, and threats to judicial independence and the rule of law,

*Alarmed* at the rapid rise in violence and discrimination on the basis of religion or belief, particularly against members of religious minority groups in Sri Lanka, including Hindus, Muslims and Christians,

*Calling upon* the Government of Sri Lanka to fulfil its public commitments, including on the devolution of political authority, which is integral to reconciliation and the full enjoyment of human rights by all members of its population,

*Taking note* of the report of the Lessons Learnt and Reconciliation Commission of Sri Lanka, its findings and recommendations, and acknowledging its possible contribution to the process of meaningful national reconciliation in Sri Lanka,

*Recalling* the constructive recommendations contained in the Commission's report, including the need to credibly investigate widespread allegations of extrajudicial killings and enforced disappearances, demilitarize the north of Sri Lanka, implement impartial land dispute resolution mechanisms, re-evaluate detention policies, strengthen formerly independent civil institutions, reach a political settlement on the devolution of power to the provinces, promote and protect the right of freedom of expression for all persons and enact rule of law reforms,

*Taking note* of the national plan of action to implement the recommendations of the Lessons Learnt and Reconciliation Commission of the Government of Sri Lanka and its commitments as set forth in response to the findings and recommendations of the Commission,

*Reiterating* that the national plan of action does not adequately address all of the findings and constructive recommendations of the Commission, and encouraging the Government of Sri Lanka to broaden the scope of the plan to adequately address all elements of the Commission's report,

*Reiterating with concern* that the national plan of action and the Commission's report do not adequately address serious allegations of violations of international human rights law and international humanitarian law,

*Emphasizing* the importance of a comprehensive approach to transitional justice incorporating the full range of judicial and non-judicial measures, including, inter alia, individual prosecutions, reparations, truth-seeking, institutional reform, vetting of public employees and officials, or an appropriately conceived combination thereof, in order to, inter alia, ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish independent oversight of the security system, restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law, with a view to preventing the recurrence of violations and abuses,

*Underlining* that truth-seeking processes, such as truth and reconciliation commissions, that investigate patterns of past human rights violations and their causes and consequences are important tools that can complement judicial processes, and that, when established, such mechanisms have to be designed within a specific societal context and be founded on broad national consultations with the inclusion of victims and civil society, including non-governmental organizations,

*Recalling* the responsibility of States to comply with their relevant obligations to prosecute those responsible for gross violations of human rights and serious violations of international humanitarian law constituting crimes under international law, with a view to end impunity,

*Recalling also* the High Commissioner's conclusion that national mechanisms have consistently failed to establish the truth and to achieve justice, and her recommendation that the Human Rights Council establish an international inquiry mechanism to further investigate the alleged violations of international human rights law and international humanitarian law and monitor any domestic accountability processes,

*Encouraging* the Government of Sri Lanka to increase its dialogue and cooperation with the Office of the High Commissioner, including with regard to technical assistance,

1. *Welcomes* the oral update presented by the United Nations High Commissioner for Human Rights to the Human Rights Council at its twenty-fourth session[1] and the subsequent report of the Office of the United Nations High Commissioner for Human Rights on promoting reconciliation and accountability in Sri Lanka[2] and the recommendations and conclusions contained therein, including on the establishment of a truth-seeking mechanism and national reparations policy as an integral part of a more comprehensive and inclusive approach to transitional justice;

2. *Calls upon* the Government of Sri Lanka to conduct an independent and credible investigation into allegations of violations of international human rights law and international humanitarian law, as applicable; to hold accountable those responsible for such violations; to end continuing incidents of human rights violations and abuses in Sri Lanka; and to implement the recommendations made in the reports of the Office of the High Commissioner;

3. *Reiterates its call upon* the Government of Sri Lanka to implement effectively the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission, and to take all necessary additional steps to fulfil its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans;

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[1] See A/HRC/24/CRP.3/Rev.1.

[2] A/HRC/25/23.

4. *Urges* the Government of Sri Lanka to investigate all attacks, by individuals and groups, on temples, mosques and churches, and to take steps to prevent future attacks, and calls upon the Government to investigate and hold accountable perpetrators of attacks on places of worship, journalists, human rights defenders, members of religious minority groups and other members of civil society;

5. *Calls upon* the Government of Sri Lanka to release the results of its investigations into alleged violations by security forces, including the attack on unarmed protesters in Weliweriya on 1 August 2013, and the report of 2013 by the court of inquiry of the Sri Lanka Army;

6. *Encourages* the Government of Sri Lanka to provide the Northern Provincial Council and its Chief Minister with the resources and authority necessary to govern, as required by the 13th amendment to the Constitution of Sri Lanka;

7. *Welcomes* the decision of the Government of Sri Lanka to facilitate the visit by the Special Rapporteur on the human rights of internally displaced persons and to issue an invitation to the Special Rapporteur on the human rights of migrants, and encourages the Government to cooperate with special procedures mandate holders and to respond formally to their outstanding requests, including by setting dates and providing access;

8. *Welcomes* the recommendations and conclusions of the High Commissioner on the need for an independent and credible international investigation in the absence of a credible national process with tangible results, and requests the Office of the High Commissioner to assess progress towards accountability and reconciliation, to monitor relevant national processes and to investigate alleged violations and abuses of human rights and related crimes by both parties in Sri Lanka, with input from relevant special procedures mandate holders as appropriate, and to present an oral update to the Human Rights Council at its twenty-seventh session, and a comprehensive report followed by a discussion on the implementation of the present resolution at its twenty-eighth session;

9. *Encourages* the Office of the High Commissioner and relevant special procedures mandate holders to provide advice and technical assistance on implementing the above-mentioned steps;

10. *Calls upon* the Government of Sri Lanka to cooperate with the Office of the High Commissioner in the implementation of the present resolution.